

Thanksgiving of 2011 started out very typically for me and my wife, Denise. Our two granddaughters Kaley and Abby, spent the night so they could help their grandmother cook dinner which they loved doing with her on the major holidays. After a very enjoyable dinner my daughter Stacy and her mother did what they love doing every Thanksgiving for the past twelve years. They spread out the "Black Friday" sale inserts and planned their attack for their early morning day-after-Thanksgiving shopping spree as millions of Americans do every year.

Denise had me set the alarm for 2am as she was going to meet Stacy at 3:30am at the 12 Oaks shopping mall in Novi. As she was getting ready to leave, I kissed her good bye, told her to enjoy the morning and watched her out the door. Little did I know it would be the last time I would ever see her walk again.

Around 3:40am I received a panicky call from Stacy stating that Denise did not arrive and was not answering her cell phone. I told her to keep trying her mother's cell phone as I got dressed with the idea of attempting to trace her most likely route. I had a horrible feeling as I knew Denise was always early and always answered her cell

I had just pulled out of my driveway when I received a second call from Stacy. This time she was crying and hysterical. A paramedic had answered Denise's cell phone and informed her that she had been involved in an accident and was being airlifted to U of M Hospital. Being a retired 28 year law enforcement officer I knew that could only mean one thing: the injuries were traumatic and could possibly result in a fatality. The 50 minute drive to Ann Arbor was the longest drive of my life.

Upon arrival at the ER, I was met by my daughter, her husband, and my son Eric. Upon seeing her we were horrified by her appearance and condition. Denise would then spend the next 35 days in the Trauma unit at U of M. undergoing numerous surgeries. She developed a serious blood infection and had to be intubated. When I asked the doctor if there was a chance we could lose her, his reply was "Mr. Sherman your wife is my most critical patient in this unit at this time". While fighting off the infection, she had to be intubated a second time. The third time they installed a tracheotomy tube which remained for five months. They also installed a feeding tube into her stomach which remains today as her main source of nourishment.

Her injuries included:

Traumatic Brain Injury: This has seriously affected her speech and other cognitive issues

Spinal cord injuries: These resulted in eight fusions- despite these surgeries, she will never walk again.

Her left shoulder was shattered and her arm had three breaks. These all required extensive surgery involving the insertion of screws, pins and metal plates to put her body together again. Despite these surgeries she still cannot use her left hand that also had three fractured fingers.

Her right hand shakes so badly she cannot feed herself or hold a pen to write.

Several ribs were broken.

She suffers from depression and anxiety.

Each day she has to be mechanically lifted out of bed when she goes into her wheelchair or when placing her in her shower chair.

Just three years ago my wife had a triple by-pass, heart valve replacement and an internal defibrillator implanted. She had finally returned to doing all the things she enjoyed doing with our four grandchildren; having sleepovers, taking them shopping, helping them with their homework projects and just being the wonderful grandma that she had always been. The kids adore her and have had a hard time being denied their time with her during her hospitalization. Not to mention having to see her in the various stages of her condition since the accident. I can't put in words the toll it has taken on my son and daughter along with me

This act that caused these massive traumatic injuries to my wife was not caused by an irresponsible teen that may not have stopped to think about their level of intoxication before getting behind the wheel of wheel of a 4000+ pound vehicle, driving it over a center divider, and running it head-on into another vehicle.

Rather, this act was caused by an adult in her 30's that holds a Master's degree.

- * She has a previous drunk driving conviction.
- * Her level of intoxication was almost 3 times over the legal limit
- * She had arrangements to stay in a hotel room within walking distance of the bar where she had been drinking but opted for unknown reasons to use her friend's car and drive away (according to police reports)
- * The state statute states "Serious Injuries". My wife's injuries are beyond serious. They are critical and permanently disabling. She will be a quadriplegic and incontinent for the remainder of her life.

This crime has devastated our family, not to mention the pain and suffering my wife continues to experience on a daily basis. After 18 months of hospitalization my wife is now home with 24/7 care.

Unlike the defendant, who was able to walk away on her own two feet from her sentence when it expired after only 9 months, my wife has been sentenced to life in a wheelchair.

The sentencing guidelines only called for a sentence of 5 months to 23 months. The statute in question does not take into consideration previous convictions, level of intoxication, nor the seriousness or as in the case of my wife catastrophic injuries.

With 28 years as a police officer and the last 14 as a criminal justice educator, I never realized how widespread the victimization and devastation the victim and their family faces every day.

I ask and pray that this committee will support the bills introduced by Rep. Kowall.